

Lexington, Kentucky August 25, 2005

The Council of the Lexington-Fayette Urban County Government, Kentucky convened in regular session on August 25, 2005 at 7:00 P.M. Present were Mayor Teresa Ann Isaac in the chair presiding, and the following members of the Council: Council Members Stevens, Stinnett, Wigginton, Brown, Cegelka, DeCamp, Ellinger, Farmer, Gorton, Lane, McChord, Moloney, Myers, Scanlon and Shafer.

The reading of the Minutes of the previous meeting was waived.

Ordinances No. 222-2005 thru 224-2005 inclusive and Resolutions No. 407-2005 thru 423-2005 inclusive were reported as having been signed and published, and were ordered to record.

Lexington, Kentucky August 25, 2005

The Invocation was given by Pastor Wayne Bishop, Southern Hills United Methodist Church.

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Mr. Brown presented a Commemoration hailing and commending the Dunbar Blazin' Bearcats AAU PAL Track Team for an outstanding season. He introduced the members of the team, their parents, and members of the PAL Program.

Mr. Stinnett made a motion, seconded by Mr. Farmer and passed by unanimous vote, to cancel the Public Hearing that had been scheduled for September 22, 2005 for an Ordinance changing the zone from an Agricultural Urban (A-U) zone to a Planned Neighborhood Residential (R-3) zone for 6.26 net (6.36 gross) acres of property located at 2470 Liberty Road, subject to certain use restrictions imposed as a condition of granting the zone change (Joe Brester), and to place the ordinance back on the docket for second reading for the next Council Meeting.

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The following ordinances were given second reading and passed by the following vote:

Aye: Stevens, Stinnett, Wigginton, Brown, Cegelka, DeCamp, Ellinger, Farmer,
Gorton, Lane, McChord, Moloney, Myers, Scanlon, Shafer ----- 15

Nay: _____ 0

An Ordinance changing the zone from a Two Family Residential (R-2) zone to a Professional Office (P-1) zone for 0.14 net (0.18 gross) acre of property located at 521-523 South Upper Street, subject to certain use restrictions imposed as a condition of granting the zone change. (Pegasus Holdings, LLC)

An Ordinance changing the zone from an Agricultural Rural (A-R) zone to a Light Industrial (I-1) zone for 5.44 net (5.78 gross) acres of property located at 5959 Athens-Boonesboro Road, subject to certain use, buffering, and landscaping restrictions imposed as a condition of granting the zone change. (Jim L. Williams and Frances L. Williams)

An Ordinance amending Section 23A-5(b)3 and (c)3 of the Zoning Ordinance so as to allow neighborhood clubhouses in the EAR-1, 2, and 3 zones when accessory to a principal permitted use.

An Ordinance authorizing the Mayor to accept a Grant from the Ky. Justice and Public Safety Cabinet, which grant funds are in the amount of \$28,000.00 Commonwealth of Ky. funds from the Law Enforcement Service Fee Program, are for police officer overtime hours for a Traffic Alcohol Patrol, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 50, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance authorizing the Mayor to accept a Grant from the Ky. Justice and Public Safety Cabinet, which grant funds are in the amount of \$73,485.00 Federal funds, are for continuation of the Street Sales Drug Enforcement Project, the acceptance of which obligates the Urban County Government for the expenditure of \$24,500.00, appropriating funds pursuant to Schedule No. 51, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance authorizing the Mayor to accept a Grant from the Ky. Transportation Cabinet, which grant funds are in the amount of \$128,000.00 Federal funds, are for the Traffic Signal Installation Project, the acceptance of which obligates the Urban County Government for the expenditure of \$32,000.00, appropriating funds pursuant to Schedule No. 52, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance authorizing the Mayor to accept a Grant from the U.S. Fish and Wildlife Service, which grant funds are in the amount of \$6,839.00 Federal funds, are for a North American Wetlands Conservation Act Program Project at Raven Run, the acceptance of which obligates the Urban County Government for the expenditure of \$6,900.00, appropriating funds pursuant to Schedule No. 53, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance authorizing the Mayor to accept a Grant from the Ky. Heritage Council, which grant funds are in the amount of \$10,000.00 Federal funds, are for the Div. of Historic Preservation's Survey and Planning Project, the acceptance of which obligates the Urban County Government for the expenditure of \$6,670.00, appropriating funds pursuant to Schedule No. 55, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance authorizing the Mayor to accept a Grant from the Ky. Office of Homeland Security, which grant funds are in the amount of \$840,000.00 Federal funds, are for enhancement of the interoperable communications systems in the Div. of Police, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 56, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance authorizing the Mayor to accept a Grant from the Ky. Office of Homeland Security, which grant funds are in the amount of \$200,000.00 Federal funds, are for enhancement of interoperable communications systems for the Fayette County Sheriff's Office, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 57, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance authorizing the Mayor to accept a Grant from the Ky. Office of Homeland Security, which grant funds are in the amount of \$296,772.00 Federal funds, are for the purchase of a CBRNE (Chemical, Biological, Radiological, Nuclear, and Explosive) incident response vehicle, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 58, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for municipal expenditures, and appropriating and re-appropriating funds, Schedule No. 48.

An Ordinance amending Section 23-5 of the Code of Ordinances creating twenty-one (21) positions of Police Officer, Grade 311N, in the Div. of Police, to be effective retroactive to July 11, 2005, and creating twenty-eight (28) positions of Police Officer, Grade 311N, in the Div. of Police, to be effective February 6, 2006, and appropriating funds pursuant to FY2006 Schedule No. 66.

An Ordinance amending Section 21-5 of the Code of Ordinances creating one (1) position of Heavy Equipment Technician, Grade 113N within the Div. of Fire.

An Ordinance amending Section 21-5 of the Code of Ordinances creating two (2) positions of Nuisance Control Officer, Grade 111N, in the Div. of Code Enforcement.

An Ordinance amending Section 21-5 of the Code of Ordinances abolishing twenty-three (23) positions of Code Enforcement Officer, Grade 113N, creating twenty-three (23) positions of Building Inspector, Grade 113N and changing the titles of the incumbents, abolishing six (6) positions of Code Enforcement Officer Senior, Grade 114E, creating six (6) positions of Building Inspector Senior, Grade 114E and changing the titles of the incumbents, abolishing three (3) positions of Code Enforcement Supervisor, Grade 116E, creating three (3) positions of Building Inspection Supervisor, Grade 116E and changing the titles of the incumbents, all in the Div. of Building Inspection.

An Ordinance amending Section 21-35 of the Code of Ordinances modifying the list of immediate and extended family members for the purpose of Funeral Leave to include legal guardians, spouse's grandchildren, great grandparents, spouse's great grandparents, step grandparents, step great grandparents, and spouse's half siblings as immediate family members, and to allow one (1) day Funeral Leave for the death of an extended family member to include aunt, uncle, first cousin, niece or nephew.

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An Ordinance authorizing the Mayor to accept a Grant from the Ky. Div. of Forestry, which grant funds are in the amount of \$20,000.00 Federal funds under the Urban and Community Forest Grant Program, are for continued employment of an Arborist Technician in the Div. of Streets, Roads and Forestry, the acceptance of which obligates the Urban County Government for the expenditure of \$20,000.00, appropriating funds pursuant to Schedule No. 49, and authorizing the Mayor to transfer unencumbered funds within the grant budget was given second reading and passed by the following vote:

Aye:	Stevens, Stinnett, Wigginton, Brown, DeCamp, Ellinger, Farmer, Gorton, Lane, McChord, Moloney, Myers, Scanlon, Shafer -----	14
Nay:	Cegelka -----	1

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An Ordinance closing an unnamed alley located between 169 and 175 Rosemont Garden; determining that all property owners abutting the portion of the street to be closed have been identified, provided with written notice of the proposed closing and consented thereto in writing; and authorizing the Mayor to execute Quitclaim Deeds transferring the former right-of-way to the abutting owners, subject to the reservation of

easements for access and maintenance of existing utilities in the former right-of-way was given first reading.

Upon motion of Ms. Shafer and seconded by Mr. DeCamp, the rules were suspended by unanimous vote. The ordinance was given second reading and passed by the following vote:

Aye: Stevens, Stinnett, Wigginton, Brown, Cegelka, DeCamp, Ellinger, Farmer, Gorton, Lane, McChord, Moloney, Myers, Scanlon, Shafer ----- 15
Nay: ----- 0

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An Ordinance amending Section 14-46 of the Code of Ordinances to allow the discharge of paint ball guns in properly zoned commercial establishments operated in accordance with recognized national standards was given first reading.

Upon motion of Ms. Gorton and seconded by Mr. DeCamp, the rules were suspended by unanimous vote. The ordinance was given second reading and passed by the following vote:

Aye: Stevens, Stinnett, Wigginton, Brown, Cegelka, DeCamp, Ellinger, Farmer, Gorton, Lane, McChord, Moloney, Myers, Scanlon, Shafer ----- 15
Nay: ----- 0

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The following ordinances were given first reading and ordered placed on file two weeks for public inspection.

An Ordinance changing the zone from an Agricultural Rural (A-R) zone to an Expansion Area Residential (EAR-1) zone for 58.70 net (61.40 gross) acres and from an Agricultural Rural (A-R) zone to an Expansion Area Residential (EAR-2) zone for 85.40 net (95.10 gross) acres of property located at 3100, 3376 and 3440 Winchester Road, subject to certain use and buffer restrictions imposed as conditions of granting the zone change. (Paul S. and Lexie Justice)

An Ordinance accepting the bid of Judy Construction Co. in the amount of \$1,061,900.00, for replacement of West Hickman Wastewater Treatment Plant screw pump, and appropriating funds pursuant to Schedule No. 65.

An Ordinance authorizing the Mayor to accept a Grant from the National Football League Youth Football Fund, which grant funds are in the amount of \$14,000.00, are for the Youth Football Program operated by the Police Activities League (PAL), the

acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 61, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance amending Section 22-5 of the Code of Ordinances abolishing one (1) position of Microcomputer Support Specialist, Grade 113N, and amending Section 21-5 of the Code of Ordinances creating one (1) position of Microcomputer Support Specialist, Grade 113N, in the Div. of Computer Services, and appropriating funds pursuant to Schedule No. 62.

An Ordinance amending Section 21-5 of the Code of Ordinances abolishing one (1) position of Body and Paint Mechanic, Grade 110N, and creating one (1) position of Body and Paint Mechanic – Certified, Grade 111N and reclassifying the incumbent in the Div. of Fleet Services, to become effective retroactive to June 30, 2005, and appropriating funds pursuant to Schedule No. 63.

An Ordinance amending Section 21-5 of the Code of Ordinances abolishing one (1) position of Computer Analyst, Grade 115E, and creating one (1) position of Database Administrator, Grade 117E within the Div. of Computer Services, and appropriating funds pursuant to Schedule No. 64.

An Ordinance amending certain of the budgets to reflect current requirements for municipal expenditures, and appropriating and re-appropriating funds, Schedule No. 59.

An Ordinance authorizing the Mayor to accept a Grant and an additional twelve (12) months to complete the project from the Ky. Dept. of Military Affairs, Div. of Emergency Management, which grant funds are in the amount of \$17,000.00 Federal funds, under the Chemical Stockpile Emergency Preparedness Program (CSEPP) for FY 2005, are for the purchase of radio equipment for the Emergency Preparedness Project related to stockpile of chemical weapons at the Blue Grass Army Depot, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to Schedule No. 60, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance levying ad valorem taxes for purposes of support of the Soil and Water Conservation District for the Fiscal Year July 1, 2005 through June 30, 2006, on the assessed value of all taxable real property within the taxing jurisdiction of the

Lexington-Fayette Urban County Government, including real property of public service companies, at a rate of \$.0004 of each One Hundred Dollars (\$100.00) of assessed valuation as of the January 1, 2005 assessment date.

An Ordinance pursuant to a request received from the Lexington-Fayette County Health Department, levying an ad valorem tax for purposes of support of the Lexington-Fayette County Health Department for the Fiscal Year July 1, 2005 through June 30, 2006, on the assessed value of all taxable real and personal property within the taxing jurisdiction of the Lexington-Fayette Urban County Government, including real and personal property of public service companies, noncommercial aircraft, and inventory in transit, and excluding insurance capital, tobacco in storage, and agricultural products in storage, at the rate of \$.028 on each \$100.00 of assessed value as of the January 1, 2005 assessment date; and levying an ad valorem tax for purposes of support of the Lexington-Fayette County Health Department at the rate of \$.028 on each \$100.00 of assessed value on all motor vehicles and watercraft within the taxing jurisdiction of the Lexington-Fayette Urban County Government, as of the January 1, 2006 assessment date.

An Ordinance levying ad valorem taxes for purposes of support of the Agricultural Extension Office for the fiscal year July 1, 2005 through June 30, 2006, on the assessed value of all taxable real and personal property within the taxing jurisdiction of the Lexington-Fayette Urban County Government (all taxes on each \$100.00 of assessed valuation as of the January 1, 2005 assessment date), as follows: \$.0031 on all taxable real property, including real property of public service companies, \$.0034 on taxable personal property, including personal property of public service companies and noncommercial aircraft, and excluding insurance capital, tobacco in storage, and agricultural products in storage; and levying an ad valorem tax for purposes of support of the Agricultural Extension Office at the rate of \$.0034 on each \$100.00 of assessed value on all motor vehicles and watercraft within the taxing jurisdiction of the Lexington-Fayette Urban County Government as of the January 1, 2006 assessment date.

An Ordinance levying ad valorem taxes for municipal purposes for the Fiscal Year July 1, 2005 through June 30, 2006, on the assessed value of all taxable property within the taxing jurisdictions of the Lexington-Fayette Urban County Government (all

taxes on each \$100.00 of assessed valuation as of the January 1, 2005 assessment date), as follows: General Services District, \$.0800 on real property, including real property of public service companies, \$.0990 on personal property, including personal property of public service companies, noncommercial aircraft, and noncommercial watercraft, \$.1500 on insurance capital, \$.0150 on tobacco storage, and \$.0450 on agricultural products in storage; Full Urban or Partial Urban Services Districts based on urban services available on real property, including real property of public service companies, \$.1600 for Refuse Collection, \$.0210 for Street Lights, \$.0094 for Street Cleaning, \$.0920 on insurance capital, \$.0150 on tobacco in storage, \$.0450 on agricultural products in storage; and levying an ad valorem tax for municipal purposes at the rate of \$.0880 on each \$100.00 of assessed value on all motor vehicles and watercraft within the taxing jurisdiction of the Lexington-Fayette Urban County Government as of the January 1, 2006 assessment date.

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The following resolutions were given second reading and passed by the following vote:

Aye: Stevens, Stinnett, Wigginton, Brown, Cegelka, DeCamp, Ellinger, Farmer,
Gorton, Lane, McChord, Moloney, Myers, Scanlon, Shafer ----- 15

Nay: _____ 0

A Resolution accepting the bids of JFS Technologies, Baldwin & Sours, Inc., and Path Master establishing a price contract for traffic signal and control equipment-supplemental, for the Div. of Traffic Engineering.

A Resolution accepting the bid of Tebco of Kentucky, Inc. establishing a price contract for under tailgate salt spreaders, for the Div. of Parks.

A Resolution accepting the bid of The Trophy Center establishing a price contract for trophies, plaques and silver, for the Div. of Parks.

A Resolution accepting the bid of Ennis Paint, Inc. establishing a price contract for traffic paint, for the Div. of Traffic Engineering.

A Resolution accepting the bid of Central Associated Engineers, Inc. establishing a price contract for fiber walkout, for the Office of the CAO.

A Resolution accepting the bids of Bluegrass Uniforms, National Workwear, Inc., and Bluegrass Adv. Specialties establishing a price contract for uniforms for police (civilian employees), for the Div. of Police.

A Resolution accepting the bids of Radio-Electronic Equipment Co., Inc., Blackhawk Enterprises, Inc., and Data Connect Enterprise establishing a price contract for video equipment-traffic, for the Div. of Traffic Engineering.

A Resolution accepting the bid of Bradley Hook It Up Mobile, LLC establishing a price contract for vehicle steam cleaning.

A Resolution accepting the bids of Bluegrass Recreational Products, Inc., Hunter Knepshield Co., Kidz Zone Playsystems, Inc., Premier Playscapes, Inc., and Tom Chesnut Excavation & Construction, LLC establishing a price contract for outdoor playground equipment and installation of outdoor playground equipment, for the Div. of Parks.

A Resolution accepting the bids of 4-J Enterprises, Inc., John F. Trompeter Co., Lexington Food Service, and Office Coffee Systems, Inc. establishing a price contract for concession products, for the Div. of Parks.

A Resolution accepting the bid of Lexington Industrial Co., Inc. establishing a price contract for motor and pump repair at various swimming pools.

A Resolution amending Resolution No. 342-2005 accepting the bid of Task Inc. in the amount of \$17,393.60, for Gleneagles/Masterson Station Greenway Restoration to correct the accounting due to end of year changes.

A Resolution authorizing the Mayor to execute a Clinical Services Agreement with the University of Ky., Chandler Medical Center, College of Nursing, for Pediatric Nurse Practitioner Services at the Family Care Center, at a cost not to exceed \$301,392.00.

A Resolution authorizing the Mayor to execute a Clinical Services Agreement with the University of Ky., Chandler Medical Center, College of Medicine, Dept. of Pediatrics, for the provision of health care services to clients of the Family Care Center, at a cost not to exceed \$251,040.00.

A Resolution authorizing the Mayor to execute an Agreement with Bluegrass Regional Mental Health-Mental Retardation Board, Inc., d/b/a Comprehensive Care

Center, for mental health services for the Adult and Juvenile Detention Centers, at a cost not to exceed \$690,660.78.

A Resolution authorizing the Mayor to execute a Purchase of Service Agreement with the Lexington Public Library Board, for services to the community, at a cost not to exceed \$10,826,460.

A Resolution authorizing the Mayor to execute an Agreement with Metro Group Homes, Inc., for operation of the M.A.S.H. Drop Inn Facility, at a cost not to exceed \$330,000.00 in grant funds.

A Resolution authorizing the Mayor to execute an Agreement with Volunteers of America of Ky., Inc., for emergency housing for homeless families, at a cost not to exceed \$18,000.00, to be paid directly to the Lexington-Fayette Urban County Housing Authority on behalf of Volunteers of America of Ky., Inc., for rental and maintenance of emergency housing units for the homeless.

A Resolution authorizing the Mayor to execute a Rental and Maintenance Agreement for thirty-six (36) months with U.S. Bancorp Business Equipment Finance Group, for rental and maintenance of a Konica Bizhub #7228 copier at the Div. of Parks-Southbase location, at an annual cost not to exceed \$1,854, subject to sufficient funds being appropriated in future fiscal years.

A Resolution authorizing the Mayor to execute Change Order No. 1 to the contract with Kyova Electric, for Shillito/Athens "B"/Southend Sports Lighting, decreasing the contract price by the sum of \$800.00 from \$235,800.00 to \$235,000.00.

A Resolution authorizing the Mayor to execute Change Order No. 1 to the contract with Central Rock Mineral Co., for Parkers Mill Road Improvements at Cardinal Run Park, increasing the contract price by the sum of \$4,210.45 from \$395,878.87 to \$400,089.32.

A Resolution authorizing the Mayor to execute a Certificate of Consideration and accept a Deed of permanent storm sewer easement and temporary construction easement from Rory and Meredith Mendez located at 135 Suburban Court, for the Dantzler Arcadia Cherokee Park Phase II Project, and authorizing payment in the amount of \$2,850.00, plus usual and appropriate closing costs.

A Resolution amending Section 1(b) of Resolution No. 252-2005 to change the reference for the current street address from 301 East Vine Street to 271 East Vine Street.

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The following resolutions were given second reading and passed by the following vote:

Aye: Stevens, Stinnett, Wigginton, Brown, Cegelka, DeCamp, Ellinger, Farmer, Gorton, Lane, McChord, Myers, Scanlon, Shafer ----- 14

Nay: Moloney ----- 1

A Resolution authorizing the Mayor to execute a Certificate of Consideration and to accept a Deed conveying permanent sanitary sewer and temporary construction easements from O' Nan, LLC, located at 613 West Third Street, for the North Elkhorn Force Main Project, and authorizing payment in the amount of \$3,950.00, plus usual and appropriate closing costs.

A Resolution authorizing the Mayor to execute a Certificate of Consideration and to accept a Deed conveying permanent sanitary sewer and temporary construction easements from Bluegrass Stockyards, LLC, located at 172 South Forbes Road, for the North Elkhorn Force Main Project, and authorizing payment in the amount of \$11,675.00, plus usual and appropriate closing costs.

A Resolution authorizing the Mayor to execute a Certificate of Consideration and to accept a Deed conveying permanent sanitary sewer and temporary construction easements from O' Nan, LLC, located at 601-603 West Third Street, for the North Elkhorn Force Main Project, and authorizing payment in the amount of \$3,800.00, plus usual and appropriate closing costs.

A Resolution authorizing the Mayor to execute a Certificate of Consideration and to accept a Deed conveying permanent sanitary sewer and temporary construction easements from O' Nan, LLC, located at 605 West Third Street, for the North Elkhorn Force Main Project, and authorizing payment in the amount of \$1,900.00, plus usual and appropriate closing costs.

A Resolution authorizing the Mayor to execute a Certificate of Consideration and to accept a Deed conveying permanent sanitary sewer and temporary construction easements from O' Nan, LLC, located at 609 West Third Street, for the North Elkhorn

Force Main Project, and authorizing payment in the amount of \$2,225.00, plus usual and appropriate closings costs.

A Resolution authorizing the Mayor to execute a Certificate of Consideration and to accept a Deed conveying permanent sanitary sewer and temporary construction easements from O’Nan, LLC, located at 607 West Third Street, for the North Elkhorn Force Main Project, and authorizing payment in the amount of \$1,900.00, plus usual and appropriate closing costs.

A Resolution authorizing the Mayor to execute a Certificate of Consideration and to accept a Deed conveying permanent sanitary sewer and temporary construction easements from O’ Nan, LLC, located at 611 West Third Street, for the North Elkhorn Force Main Project, and authorizing payment in the amount of \$2,550.00, plus usual and appropriate closing costs.

A Resolution authorizing the Mayor to execute a Certificate of Consideration and to accept a Deed conveying a temporary construction easement from Lexington Properties, LLC, located at 207 Legends Lane, for the North Elkhorn Force Main Project, and authorizing payment in the amount of \$14,475.00, plus usual and appropriate closings costs.

A Resolution authorizing the Mayor to execute a Certificate of Consideration and to accept a Deed conveying permanent sanitary sewer and temporary construction easements from Donald and Ruth Schilling, located at 1633 Old Paris Road, for the North Elkhorn Force Main Project, and authorizing payment in the amount of \$1,025.00, plus usual and appropriate closing costs.

A Resolution authorizing the Mayor to execute a Certificate of Consideration and to accept a Deed conveying permanent sanitary sewer and temporary construction easements from Raymond and Glenda O’Neal, located at 1496-1498 North Broadway, for the North Elkhorn Force Main Project, and authorizing payment in the amount of \$14,475.00, plus usual and appropriate closings costs.

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A Resolution directing that the Recommendations sent to the Ky. Dept. of Intergovernmental Programs for the 2005-2006 Bond Program shall be the 12th Street, Liberty Road, and Clays Mill Road Projects, and resurfacing projects throughout Fayette County, with an estimated cost of \$3.4 million was on the docket for second reading.

Mr. Moloney made a motion, seconded by Mr. Ellinger, to table the resolution.

The Mayor asked whether there were any citizens present to speak on the issue.

The following citizen spoke concerning the resolution: (1) Mr. Bernard McCarthy, 515 Harry Street.

Mr. Brown spoke about the plans for the project funding.

Ms. Gorton made a motion, seconded by Dr. Stevens, to amend the motion to place \$1.7 million into the projects.

The motion to amend failed to pass.

The motion to table failed to pass.

The resolution was given second reading and passed by the following vote:

Aye: Stinnett, Wigginton, Brown, Cegelka, DeCamp, Farmer, Lane, McChord, Myers, Scanlon, Shafer ----- 11

Nay: Stevens, Ellinger, Gorton, Moloney ----- 4

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The following resolutions were given first reading. Upon motion of Mr. Lane and seconded by Mr. Stinnett, the rules were suspended by unanimous vote. The resolutions were given second reading and passed by the following vote:

Aye: Stevens, Stinnett, Wigginton, Brown, Cegelka, DeCamp, Ellinger, Farmer, Gorton, Lane, McChord, Moloney, Myers, Scanlon, Shafer ----- 15

Nay: ----- 0

A Resolution authorizing the Mayor to accept a Deed conveying a permanent sanitary sewer easement and a temporary construction easement from Local Enterprises, Inc., for property located at 2014 Ashgrove Pike, TCF 2, LLC, for property located in Jessamine County along the county line east of US 27, DDD & W, LLC, for property located at 4601 & 4615 Nicholasville Road, Leroy Land Dale and Sherry Dale for property located in Jessamine County along the county line east of US 27, and DDD & W, LLC, for property located in Jessamine County along the county line east of US 27, for the Brannon Crossing Development and the proposed South Elkhorn Force Main, at no cost to the Urban County Government.

A Resolution authorizing the Mayor to execute an Access Easement for Park With Local Enterprises, Inc., for an access easement located at 4595 Tates Creek Road to facilitate direct access to the southern portion of Veterans Park, at no cost to the Urban County Government.

A Resolution authorizing the Mayor to execute a Site Specific Agreement with the Jessamine South Elkhorn Water District and JAH Nicholasville Road, LLC, to provide sanitary sewer service to the Brannon Crossing Development in Jessamine County, at no cost to the Urban County Government.

A Resolution authorizing the Mayor, on behalf of the Lexington-Fayette Urban County Government and the Lexington-Fayette Urban County Government Public Facilities Corporation, to execute a Deed of Easement with Jessamine-South Elkhorn Water District and Lexington-Fayette Urban County Government, for permanent sanitary sewer and temporary construction easements across the property located at 645 West Hickman Plant Road, for sanitary sewer improvements and further authorizing the Mayor to accept said easements, for the Brannon Crossing Development and proposed South Elkhorn Force Main, at no cost to the Urban County Government.

A Resolution authorizing the Mayor, on behalf of the Lexington-Fayette Urban County Government and the Lexington-Fayette Urban County Government Public Facilities Corporation, to execute a Deed of Easement with Jessamine-South Elkhorn Water District and Lexington-Fayette Urban County Government, for permanent sanitary sewer and temporary construction easements across the property located at 650 Southpoint Drive, for sanitary sewer improvements and further authorizing the Mayor to accept said easements, for the Brannon Crossing Development and proposed South Elkhorn Force Main, at no cost to the Urban County Government.

A Resolution authorizing the Mayor to execute a Release of Easement, releasing a portion of a utility easement at 2280 Nicholasville Road.

A Resolution authorizing the Mayor to execute a Deed of Release, releasing a streetlight easement at 2173 and 2165 Antigua Drive.

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A Resolution ratifying the probationary civil service appointments of: Harold Stacy Jr., Trades Worker Sr., Grade 109N, \$15.941 hourly, in the Div. of Parks, effective August 8, 2005, Karen Tribble, Staff Assistant Sr., Grade 108N, \$14.852 hourly, in the Div. of Risk Management, effective September 5, 2005, Samuel Patrick, Joseph Hagan, William Thomason, Martin Harley, Eva Durman, Paul Litz, Cheryl Hughes, Tony Weber, William Parrish, Jaime Rice, Donna Brooks, Howard Ellison, Joshua Worland, William Madison, Richard Young, Michael Meade, Community

Corrections Officer, Grade 110N, \$12.22 hourly, in the Div. of Community Corrections, effective September 9, 2005; ratifying the permanent civil service appointments of: Michael S. Smith, Computer Operations Manager, Grade 116E, in the Div. of Computer Services, effective January 12, 2005, Chad Cottle, Computer Systems Manager Sr., Grade 120E, in the Div. of Computer Services, effective January 12, 2005, Darrell Watkins, Public Service Worker Sr., Grade 107N, in the Div. of Streets, Roads and Forestry, effective August 22, 2005, Jack Steele, Equipment Operator Sr., Grade 109N, in the Div. of Streets, Roads and Forestry, effective August 22, 2005, Guy Stone, Public Service Worker Sr., Grade 107N, in the Div. of Streets, Roads and Forestry, effective August 20, 2005, Charles Doerge, Computer Analyst, Grade 115E, in the Div. of Computer Services, effective May 15, 2005, Margaret Ballard, Computer Analyst, Grade 115E, in the Div. of Computer Services, effective July 24, 2005 was on the docket for first reading.

Mr. Ellinger made a motion, seconded by Ms. Shafer and passed by unanimous vote, to amend the resolution to add the probationary civil service appointment of Timothy Roberts, Community Corrections Officer, in the Div. of Community Corrections, to correct the effective date for Community Corrections hires to September 5, 2005, and to add the unclassified civil service appointments of the following for the Police recruit class: Bader Ali, Varinka Barbini, John Boyle, Dustin Bruursema, Daniel Burnett, James Collins, Chris Darmadji, James Dennis, Seth Frazier, Donnell Gordon, Aaron Hamilton, Brandon Helm, Banford Hill, Rachael Jacobs, Timothy Kappel, Michael McCown, Michael McGuire, Will McMinoway, Timothy Moore, Kyle Mounce, Andrew J. Myatt, Jeffrey R. Peake, Brandon Pitcher, Steve Roberts II, Roy Shank, Adrienne Thomasson, Edward Thurman, Ryan Weilage, & Greg Wims, Police Trainee, Grade 311N, \$14.56 hourly, in the Div. of Police, effective September 19, 2005.

Mr. Scanlon made a motion, seconded by Mr. Stinnett and passed by unanimous vote to amend the resolution to add the following probationary civil service appointment:: David Sullivan, Director of Government Communications, Grade 121E, \$3,313.04 bi-weekly, in the Div. of Government Communications, effective August 8, 2005.

The resolution was given first reading as amended. Upon motion of Mr. Lane and seconded by Mr. Stinnett, the rules were suspended by unanimous vote. The resolution was given second reading and passed by the following vote:

Aye: Stevens, Stinnett, Wigginton, Brown, Cegelka, DeCamp, Ellinger, Farmer, Gorton, Lane, McChord, Moloney, Myers, Scanlon, Shafer ----- 15

Nay: ----- 0

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The following resolutions were given first reading and ordered placed on file two weeks for public inspection.

A Resolution accepting the bid of Visual Image Systems Co., LLC establishing a price contract for decals, for the Div. of Police.

A Resolution accepting the bid of JGK Pipeline Services, Inc., in the amount of \$951,192.00, for Wolf Run #5 Sanitary Sewer Rehabilitation Project.

A Resolution accepting the bid of Dustmasters, Inc./Rejuvtec, in the amount of \$50,000.00, for asphalt rejuvenating project.

A Resolution accepting the bid of American Pavements, Inc., in the amount of \$150,000.00, for sealing of cracks in roadways.

A Resolution accepting the bid of USA Mobility establishing a price contract for pager rentals, for various departments and divisions of the Lexington-Fayette Urban County Government.

A Resolution accepting the bid of Central Rock Mineral Co., LLC, in the amount of \$237,214.40, for Man O' War at Nicholasville Road intersection rehabilitation.

A Resolution authorizing the Mayor to execute Lease Agreements with Bluegrass Community Services, Inc., Community Action Council for Lexington-Fayette, Bourbon, Harrison and Nicholas Counties, Inc., Hire Older Workers, Center for Creative Living, Nursing Home Ombudsman Agency, Senior Community Services Employment Program/Urban League, Meals On Wheels, and Faith In Action, for space at the Lexington Senior Citizens Center.

A Resolution authorizing the Mayor to execute a Purchase of Service Agreement with the Lexington Humane Society, for administration of the Spay and Neuter Grant Fund and Program.

A Resolution authorizing the Mayor to execute a Purchase of Service Agreement and a Lease Agreement with Lexington-Fayette Animal Care and Control, LLC, for animal control services, at a cost not to exceed \$740,190.00.

A Resolution authorizing the Mayor to execute a Certificate of Consideration and to accept a Deed conveying a permanent storm sewer easement from Ball Homes, LLC, located at 3550 Kenesaw Drive, for the Squires Hill Lane Culvert Replacement Project, and authorizing payment in the amount of \$600.00, plus usual and appropriate closing costs.

A Resolution authorizing the Mayor to execute a Certificate of Consideration and to accept a Deed conveying a permanent storm sewer easement from Dennis and Cheryl Anderson, located at 3500 Woodspring Drive, for the Squires Hill Lane Culvert Replacement Project, and authorizing payment in the amount of \$600.00, plus usual and appropriate closing costs.

A Resolution authorizing the Mayor to execute a Certificate of Consideration and to accept a General Warranty Deed conveying the property located at 672 Coffee Tree Lane, 515 Douglas Avenue, and 515 Glen Arvin Avenue from Minnifield-Cutter-Ball, Inc., for storm water detention and open space facilities.

A Resolution authorizing the Mayor to execute a Certificate of Consideration and to accept a Deed conveying permanent sanitary sewer and temporary construction easements from Stoner Tatman and Donald Reynolds, located at 369 Thompson Road, for the North Elkhorn Force Main Project, and authorizing payment in the amount of \$5,700.00, plus usual and appropriate closing costs.

A Resolution authorizing the Mayor to execute a Certificate of Consideration and to accept a Deed conveying permanent sanitary sewer and temporary construction easements from Stoner Tatman and Donald Reynolds, located at 375 Thompson Road, for the North Elkhorn Force Main Project, and authorizing payment in the amount of \$5,550.00, plus usual and appropriate closing costs.

A Resolution establishing a Residential Parking Permit Program for the 700 block of Montclair Drive and waiving the provisions relating to the mechanics of designating residential parking permit areas adopted by Resolution No. 168-90 and amended by Resolution No. 450-91.

A Resolution authorizing the Mayor to execute Agreements with Lansdowne Elementary School PTA, Inc. (\$600.00), Kentucky Humanities Council, Inc. (\$1,500.00), YMCA of Central Kentucky, Inc. (\$1,100.00) and the Blue Grass Community Foundation, Parks of Fayette County (\$2,000.00) for the Office of the Urban County Council, at a cost not to exceed the sums stated.

A Resolution authorizing the Mayor to execute a Maintenance and Support Agreement for a term of 48 months, with Prescient Software, Inc., for updating and supporting Mun-Ease Bond Manager software, at a cost not to exceed \$1,750 annually, subject to sufficient funds being appropriated.

A Resolution approving the Report of the State Revenue Cabinet of the Lexington-Fayette Urban County Government Sheriff's Settlement of 2004 state taxes, for taxes collected from May 1, 2004 through April 30, 2005, and granting the Sheriff a Quietus.

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Upon motion of Ms. Shafer, seconded by Ms. Gorton and passed by unanimous vote, the communications from the Mayor were approved and are as follows: (1) recommending the appointment of Josh Long to the Rural Land Management Board. Mr. Long will replace Nick Carter as the Fayette County Extension Office Representative; and (2) recommending the appointments of David Sullivan, Div. of Government Communications Representative, and Dewey Crowe, Div. of Building Inspection Representative, to the Detention Center Board.

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The following communications were received from the Mayor for information only: (1) Resignation of Tommy Godby, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective August 15, 2005; (2) Resignation of Christian Hall, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective August 15, 2005; (3) Resignation of Terry L. Taylor, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective August 29, 2005; and (4) Resignation of Dan Houligan, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective August 12, 2005.

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The reports from the Div. of Building Inspection for the months of June and July,

2005 were received and ordered filed.

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Assistant Police Chief Ken Hall stated that Officer Stephen Cobb has committed the offense of Failing to operate his vehicle with due regard for the safety of all persons and property upon the highway in violation of KRS 95.450 and General Order 73-2/G, Section 1.13, Operation of Vehicles, in that on the 28th day of January, 2005 he responded to a call for assistance while on duty, while responding, Officer Cobb approached an intersection, as the light turned red, Officer Cobb was unable to stop his vehicle before striking another vehicle who had the right-of-way through the intersection, Officer Cobb failed to use caution when he did not slow down to a safe speed or clear the intersection prior to entering, and that the appropriate punishment for this conduct is a Letter of Reprimand and Retraining.

Upon motion of Ms. Shafer and seconded by Ms. Gorton, the disciplinary action was approved by unanimous vote.

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Assistant Police Chief Ken Hall stated that Officer Lorenzo Bueno has committed the offense of Discourtesy and Incompetence in violation of KRS 95.450 and General Order 73-2/G, Section 1.07, Courtesy and General Order 73-2/G, Section 1.11, Incompetence, in that on the 9th day of October, 2004, he arrested complainant Mark Everett Toy for Leaving the Scene of an Accident without obtaining facts surrounding incident, prior to leaving the scene, the complainant left a business card (that had his personal information) with the party he was involved with in the accident, Mr. Toy also called the Div. of Police explaining he had an accident but could not understand the other party because of a language barrier, additionally, after arresting Mr. Toy, Officer began to question him without reading Mr. Toy the Miranda Warning, he then released Mr. Toy without charging him, also, Officer Bueno used profanity during the arrest of Mr. Toy and witnesses present were offended by his actions, and that the appropriate punishment for this conduct is 90 days suspension without pay, re-training, including anger management training, and a Letter of Reprimand to be issued for the Courtesy violation.

Upon motion of Ms. Shafer and seconded by Ms. Gorton, the disciplinary action

was approved by unanimous vote.

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Mr. Calvin Grayson, 3368 Cloverdale Drive, stated that he was against the removal of funding for the Reynolds Road/Lansdowne Drive intersection.

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Mr. Bernard McCarthy, 515 Harry Street, spoke about local sources of funding for road projects.

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The meeting adjourned at 8:02 p.m.

Clerk of the Urban County Council